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REMARKS/ARGUMENTS

OCT 12 2006

Objections to Specification

The Office refused to enter the substitute specification on the grounds that the application never filed a statement that the substitute specification contains no new matter. Actually, the Applicant did file such a statement along with the substitute specification, and enclosed herewith a copy of that document and the returned postcard showing the filing of same. This should resolve the objections to the disclosure set forth on page 2 of the office action.

New Matter Rejections

The Office further objected that independent claims 21 and 38 (and their dependencies) lack support in the specification for language directed to "the absorbing material absorbs the energy, and transfers at least a portion of the absorbed energy to the skin without ablating the skin." That language has been canceled.

The Office further objected that independent claims 21 and 38 (and their dependencies) lack support in the specification for language directed to "generating an energy source that provides energy." The Applicant resolved that issue by reciting "an energy source that emits energy" in claim 21, and reciting "emitting radiative energy" in claim 38.

The Office further objected that claim 21 is indefinite with respect to "an intermediate substance contacting the skin." The Applicant resolved that issue by reciting "an intermediate substance that contacts the skin."

The Office further objected that claim 38 is indefinite with respect to "generating an energy source that provides energy." The Applicant resolved that issue by reciting "emitting radiative energy" in claim 38.

The Office further objected that claim 40 lacks positive antecedent basis for "the burst of electromagnetic energy." That language has been canceled.

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35 USC 102

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The Office rejected claims 21-23, 29, 31, 33-34, 37-42 and 45 as being anticipated by Waldman et al (US 5879346). Waldman teaches use of mask that allows radiative energy to directly impinge upon the target areas of skin (hair follicles), while blocking radiative energy from striking surrounding tissues. As currently amended, all claims require exactly the opposite, that the intermediate substance block direct transmission of radiative energy from striking the target area.

The current amendments also circumvent the previously cited Eppstein et al. references (US 6508785, US 6685699, and US 6922578). In Eppstein, a flux enhancer is inserted into the skin through micropores, to amplify the effect of radiation that strikes the target. In the technology of the pending claims, an absorber is placed on top of the skin to block the radiative energy from directing striking the target.

35 USC 103

The Office rejected claims 25 and 28 as being unpatentable over Waldman et al (US 5879346). Those claims, however, are allowable by virtue of their dependency upon allowable parent claims.

Request For Allowance

Claims 38-40 and 45-54 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
RUTAN & TUCKER

By 
Robert D. Fish
Reg. No. 33880

Rutan & Tucker, LLP
611 Anton Blvd., 14th Floor
Costa Mesa, CA 92626-1931
Telephone (714) 641-5100
Fax (714) 546-9035